



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2404031
Applicant Name: Le Doux Construction for The Dwelling Company
Address of Proposal: 1804 – 15th Ave

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into eight (8) lots (unit lot subdivision). Proposed lot sizes are: A) 1565.0 sf, B) 1336.3 sf, C) 1338.7 sf, D) 1562.3 sf, E) 1617.9 sf, F) 1384.1 sf, G) 1381.5 sf; and H) 1616.1 sf.

This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related projects include a MUP #2308767 (establish use for future construction of townhouses. The following approval is required:

Short Subdivision - to subdivide one existing parcel into eight lots as a unit subdivision. (Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 11,800 square foot property is located at the corner of 15th Avenue and East Howell Street in the Capitol Hill neighborhood. Pedestrian access to the site currently occurs from both 15th and East Howell Street. As a result of this project, pedestrian access will continue from 15th Ave as well as from the alley. Both streets are improved with curb, gutter and sidewalk. Vehicle access for

the proposed townhouse development will occur from the adjacent 16 foot alley. The subject lot is zoned Multi-family Lowrise 3 (L3). The project is located along 15th Avenue, a minor arterial. Other properties in the area are zoned L3. Approximately 3 blocks to the north of the project site is Group Health Cooperative. The immediate area is marked by minor institutions, low density apartments, townhouses and some single family residences.

Proposal

The proposal is to subdivide one parcel into eight (8) unit subdivision lots with vehicle access to the new townhouses provided through the adjacent alley. The proposed lots sizes for the townhouses are:

Unit Lot A	- 1565.0 sf
Unit Lot B	- 1336.3 sf
Unit Lot C	- 1338.7 sf
Unit Lot D	- 1562.3 sf
Unit Lot E	- 1617.9 sf
Unit Lot F	- 1384.1 sf
Unit Lot G	- 1381.5 sf
Unit Lot H	- 1616.1 sf

All of the structures have been reviewed for building and zoning requirements under MUP No. 2308767. The eight (8) new townhouse units will be located in two units to a structure, for a total of four (4) structures. Each of the structures will have share a single joint access driveway, with each structure containing a separate parking space for each unit.

Public Comments

The comment period for this proposal ended on September 22, 2004. During the public comment period, DPD received one comment letter concerning the number of parking spaces required for the project and the disposition of the bus stop that is adjacent to the development.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

- 1. Conformance to the applicable Land Use Code provisions;*
- 2. Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
- 3. Adequacy of drainage, water supply, and sanitary sewage disposal;*
- 4. Whether the public use and interests are served by permitting the proposed division of land;*

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for multi-family Lowrise 3 (L3) use. The allowable density of the subject property is one unit per eight hundred (800) square feet of lot area. Given a lot area of approximately 11,802 square feet, a total of fourteen (14) units are allowed for the entire site, well in excess of the number of units proposed in this application.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement in order to provide for electrical facilities and service to the proposed lots, to be included as a separate document recorded in addition to the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection. However, to ensure that adequate access and information is provided concerning address signage, the plat is conditioned to require the posting of an address sign for all unit lots at a location visible from 15th Ave or E Howell and to provide a covenant and/or an easement to ensure that the address signage is maintained.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on August 31, 2004.

Plan review requirements were made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

Not applicable.

6. *Is designed to maximize the retention of existing trees;*

SMC 23.45.015 (C.1.b) requires that all new multifamily dwelling units plant or preserve on site trees. The tree requirement was reviewed under MUP No. 2308767.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

The proposal will result in the creation of clustered housing, permitted under SMC 23.45. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities; the following statement was incorporated as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Policies and Code Provisions has been reviewed under MUP No. 2308747. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or

modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity on the proposed Lots are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for unit lot subdivisions.

8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

This subdivision application is not a short subdivision but rather a unit lot subdivision, therefore this section does not apply.

Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise 3 (L3) zone, including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.

2. Posting an address sign for all unit lots at a location visible from 15th Ave or E Howell to include a covenant and/or an easement to ensure that the address signage is maintained.
3. Include a separate recorded easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light on the final Short Subdivision.
4. Submit the final recording forms for approval and any necessary fees.

Signature: (signature on file) Date: November 18, 2004

Michael Jenkins, Senior Land Use Planner
Department of Planning and Development

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